

SCHEDULE 3

Rules for Conduct of an Election of Councillors of a Principal Area where the Poll is taken together with the Poll at a Relevant Election or Referendum

PART 6

Death of Candidate

Countermand or abandonment of poll on death of a candidate

55.—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 of the 1983 Act⁽¹⁾ apply in respect of any vacancy which remains unfilled.

(2) Neither the countermand of the poll at the principal area election nor the direction that that poll be abandoned shall affect the poll at each relevant election or referendum.

(3) Where the poll at the principal area election is abandoned by reason of a candidate's death, no further ballot papers shall be issued.

(4) At the close of the poll at each relevant election or referendum the presiding officer must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as he would be required to do if the poll at the principal area election had not been abandoned.

(5) The returning officer must dispose of ballot papers used at the principal area election (at which a candidate has died) as he is required to do on the completion in due course of the counting of the votes, subject to paragraphs (6) and (7).

(6) It is not necessary for any ballot paper account at that election to be prepared or verified.

(7) Having separated the ballot papers relating to each relevant election or referendum, the returning officer must take no step or further step for the counting of the ballot papers used at the principal area election (at which a candidate has died) or of the votes cast at that principal area election.

(8) The returning officer must seal up all the ballot papers used at the principal area election (whether the votes on them have been counted or not) and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(9) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents by the relevant registration officer relating to a poll at a principal area election apply to any such documents relating to a poll abandoned by reason of a candidate's death subject to paragraphs (10) and (11).

(10) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(11) No order is to be made for—

- (a) the production or inspection of any ballot papers, or
- (b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll,

(1) Subsection (1) of section 39 was amended by the Local Government Act 1985 (c.51), Schedule 17, and the Representation of the People Act 1985 (c.50), section 19(2).

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unless the order is made by a court with reference to a prosecution.